



## Historic Shipwrecks Regulations 2018

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 13 September 2018

Peter Cosgrove  
Governor-General

By His Excellency's Command

Melissa Price  
Minister for the Environment

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## 1 Name

This instrument is the *Historic Shipwrecks Regulations 2018*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	20 September 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the *Historic Shipwrecks Act 1976*.

## 4 Schedule 1

Schedule 1 to this instrument prescribes the form of identity cards for the purposes of subsection 22(2) of the Act.

## 5 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

## 6 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) historic shipwrecks;
- (b) protected zone;
- (c) Register.

In this instrument:

*Act* means the *Historic Shipwrecks Act 1976*.

*ship* includes a hovercraft and any similar craft.

## 7 Prescribed fee for copy of the Register

For the purposes of subsection 12(3) of the Act, the prescribed fee for a copy of, or a copy of any part of, the Register is 50 cents per page of the copy.

## 8 Prohibition of certain activities in protected zones

- (1) For the purposes of paragraph 14(1)(a) of the Act, a person must not do any of the following acts:
  - (a) bring into a protected zone equipment constructed or adapted for diving, salvage or recovery operations, or any explosives, instruments or tools the use of which would be likely to cause damage to, or interference with, a historic shipwreck or a historic relic situated within that protected zone;
  - (b) use within a protected zone any such equipment, explosives, instruments or tools;
  - (c) cause a ship carrying any such equipment, explosives, instruments or tools to enter, or remain within, a protected zone;
  - (d) trawl, or dive or engage in any other underwater activity, within a protected zone;
  - (e) moor or use ships within a protected zone.

Penalty: Imprisonment for 1 year or 4 penalty units, or both.

- (2) However, it is a defence to a prosecution under subsection (1) if the person:
  - (a) is acting in accordance with a permit granted under subsection 15(1) of the Act; or
  - (b) has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matters in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

## 9 Prescribed amount for rewards

For the purposes of paragraph 18(2)(a) of the Act, the prescribed amount is \$50,000.

## 10 Identity card

- (1) For the purposes of subsection 22(2) of the Act, an identity card issued under that subsection must:
  - (a) be in accordance with the form in Schedule 1; and
  - (b) be numbered consecutively.
- (2) The Minister must keep a record of each identity card issued and the card's number.

## **Schedule 1—Form of identity cards**

Note: See section 10.

COMMONWEALTH OF AUSTRALIA

*Historic Shipwrecks Act 1976*

(subsection 22(2))

INSPECTOR'S IDENTITY CARD No.

The person whose name, address, photograph and signature appear below is an inspector for the purposes of the *Historic Shipwrecks Act 1976*.

Name	Photograph
Address	
Signature	

Dated this      day of                      20      .

Minister

## **Schedule 2—Repeals**

### ***Historic Shipwrecks Regulations 1978***

#### **1 The whole of the instrument**

Repeal the instrument.